

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Maura Roche	Team: Squad #4	CCRB Case #: 201608216	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 09/11/2016 4:30 PM	Location of Incident: Transit District 33 Stationhouse	Precinct: 73	18 Mo. SOL 3/11/2018	EO SOL 3/11/2018	
Date/Time CV Reported Sun, 09/11/2016 7:00 PM	CV Reported At: Precinct	How CV Reported: In-person	Date/Time Received at CCRB Sun, 09/11/2016 8:08 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Peter Ieraci	00561	901717	TB DT33

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Carola Bain	09793	948459	TB DT33

Officer(s)	Allegation	Investigator Recommendation
A.SGT Peter Ieraci	Abuse: Sergeant Peter Ieraci did not process § 87(2)(b) s complaint regarding officers.	

Case Summary

On September 11, 2016, § 87(2)(b) filed this complaint in person at the 90th Precinct stationhouse. It was received at the CCRB that same day. A duplicate complaint was received at the CCRB on September 16, 2016 (BR01 and BR02).

On September 11, 2016, at approximately 3:30 p.m., § 87(2)(b) went to the TD 33 stationhouse to file a complaint about an earlier incident § 87(2)(b) and spoke with the desk sergeant, identified by the investigation as Sgt. Peter Ieraci. § 87(2)(b) asked Sgt. Ieraci to take a complaint. Sgt. Ieraci told § 87(2)(b) that he could not file a complaint there and would need to do it at the CCRB (**Allegation A**). § 87(2)(b) then went to the 90th Precinct stationhouse, where he filed his original complaint and an additional complaint about Sgt. Ieraci's refusal to take his complaint at the TD 33 stationhouse.

No video was available for this incident. § 87(2)(b) was not arrested or issued summonses as a result of the incident.

Mediation, Civil and Criminal Histories

- § 87(2)(b) initially accepted mediation and the case was referred to mediation on October 4, 2016. On November 18, 2016, this case was returned from mediation.
- A Notice of Claim search regarding this incident was requested from the Comptroller's Office on December 1, 2016, and the results will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

_____).

Civilian and Officer CCRB Histories

- This is the second CCRB complaint filed by § 87(2)(b)
- § 87(2)(b)

- Sgt. Ieraci has been a member of the NYPD for 24 years. There are two previous complaints against Sgt. Ieraci, neither of which was substantiated. § 87(2)(g)

Potential Issues

- There was no video available of the incident, as it occurred inside the TD 33 stationhouse.
- There were no civilian witnesses present during this incident.

Allegation A – Abuse of Authority: Sergeant Peter Ieraci did not process § 87(2)(b)'s complaint regarding officers.

§ 87(2)(g)

§ 87(2)(b) (BR 06) stated that his primary reason for going to the TD 33 stationhouse on September 11, 2016, was to obtain an apology from the officers involved in an incident during which he was refused medical treatment. § 87(2)(b) was speaking to Sgt. Ieraci, who was sitting at the desk, when he observed one of the officers involved in that incident, identified by the investigation as PO Konstantin Lyubinsky. § 87(2)(b) requested that PO Lyubinsky tell Sgt. Ieraci what happened. § 87(2)(b) felt that PO Lyubinsky falsely recounted the incident. § 87(2)(b) then decided that he no longer wanted an apology, but wanted to file a complaint. At this point, Sgt. Ieraci told § 87(2)(b) that he could not file a complaint there but had to do it with the CCRB directly. § 87(2)(b) left the stationhouse without filing a complaint. § 87(2)(b) stated that there were no other civilians present in the stationhouse.

§ 87(2)(b) that same day went to the 90th Precinct stationhouse, where he successfully filled out his complaint form about the original incident as well as his interaction with Sgt. Ieraci (BR01 and BR02).

Sgt. Ieraci (BR07) said that on September 11, 2016, § 87(2)(b) came to the TD 33 stationhouse for the purpose of filing a complaint against officers who refused to provide him medical treatment in an earlier incident. Sgt. Ieraci asked if § 87(2)(b) was in need of medical attention, and when § 87(2)(b) said that he was not, he gave § 87(2)(b) a CCRB complaint form to fill out. § 87(2)(b) already had CCRB complaint forms that he had obtained from either the 83rd or 81st Precinct stationhouse and did not take the one offered by Sgt. Ieraci. § 87(2)(b) told Sgt. Ieraci that he had been told to file the complaint at the TD 33 stationhouse. Having noticed that none of the CCRB forms were completed, Sgt. Ieraci asked § 87(2)(b) if he understood the form, knew how to complete it, and if he would like to fill out the form there in the stationhouse. § 87(2)(b) declined and did not ask for assistance. Sgt. Ieraci then told § 87(2)(b) that he could file a complaint 24 hours a day by calling the CCRB, and he pointed at the CCRB's phone number on the wall. § 87(2)(b) said "okay," then walked over to the wall and looked at the number but did not write it down. During the interaction, which lasted about ten minutes, § 87(2)(b) observed PO Lyubinsky from the previous incident walk into the station, but did not interact with him in any way. § 87(2)(b) left the stationhouse without filing a complaint.

In the command log (BR08), Sgt. Ieraci made an entry that stated that § 87(2)(b) had a CCRB complaint form from the 83rd Precinct but that he did not want to fill out the form and wanted to call the CCRB and speak to someone about giving an oral statement.

Patrol Guide Procedure 207-31 states that for complaints made in-person at a patrol precinct against a uniformed member of service, an officer must interview the complainant and give them a Civilian Complaint Report to complete and sign (BR 09).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g) [Redacted]
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§ 87(2)(g) [Redacted]
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Squad: 4

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date